

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROGER SEDLAK,

Petitioner,

v.

CASE NO. 2:14-CV-10839

HONORABLE GEORGE CARAM STEEH

J. A. TERRIS,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION TO AMEND, BUT  
DENYING HIS MOTIONS TO PROCEED AND FOR IMMEDIATE RELEASE**

Federal prisoner Roger Sedlak ("petitioner"), currently confined at the Federal Correctional Institution in Milan, Michigan, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 seeking relief from his federal criminal sentence. The habeas petition is undergoing preliminary screening and has not yet been served upon the respondent. The matter is before the Court on the petitioner's motions to amend his petition, to proceed pending receipt of the filing fee, and for immediate release.

The petitioner seeks to amend his habeas petition to add claims concerning his First Amendment rights and his right to appellate counsel. Under the Federal Rules of Civil Procedure, a party may amend a pleading to which a response is required within 21 days after service of the responsive pleading. Fed. R. Civ. P. 15(a)(1).<sup>1</sup> Since a responsive pleading has not yet been ordered (or filed), the petitioner has the right to amend the

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<sup>1</sup>Rule 15(a) applies to habeas cases as it applies to other civil cases. See 28 U.S.C. § 2242 (habeas petitions "may be amended or supplemented as provided in the rules of procedure applicable to civil actions").

petition without the Court's permission. Accordingly, the Court **GRANTS** the motion to amend. The amendment shall be considered as part of the petition.

The petitioner also asks the Court to proceed with this case pending the receipt of the filing fee, which was inadvertently returned to him instead of being applied to his case. The court, however, has again received the filing fee for this action. Accordingly, the Court **DENIES** the motion to proceed as moot.

Lastly, the petitioner requests immediate release from custody because he believes that he is being held in prison in violation of his constitutional rights. The Court will address the issues raised in the petition upon further review of this matter. The petitioner is not entitled to immediate release from custody pending the Court's review of his case. Accordingly, the Court **DENIES** the motion for immediate release.

**IT IS SO ORDERED.**

Dated: May 14, 2014

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 14, 2014, by electronic and/or ordinary mail and also on Roger Sedlak #63014066, Milan Federal Correctional Institution, Inmate Mail/Parcels, P.O. Box 1000, Milan, MI 48160.

s/Barbara Radke  
Deputy Clerk